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LETTER DATED 21 DECEMBER 1992 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

The letter from the President of the Republic of Croatia dated 9 December 1992 (S/24934) addressed to you raises very serious concerns about the intentions and willingness on the part of the Republic of Croatia to honour the commitments it has accepted under the Vance Plan.

In that regard, upon instructions of my Government, I would like to point out the following:

1. President Tudjman in his letter has misinterpreted the mandate of the United Nations Protection Force (UNPROFOR) in an attempt to change the basic provision of the Vance Plan. He put forward that UNPROFOR has been entrusted "... to ensure the gradual re-establishment of the legal system and authorities of the Republic of Croatia in the UNPAs [United Nations Protected Areas] ...".

In this connection, it should be recalled that the Vance Plan and the report of the Secretary-General of 4 February 1992 (S/23513) specifically defined that "... the United Nations Protected Areas, as at present, would continue not to be subject to the laws and institutions of the Republic of Croatia during the interim period pending a political settlement". The Secretary-General also stated that "the deployment of UNPROFOR would not prejudge the outcome of the political process; ... its purposes would be to stop the fighting and to create the conditions in which political negotiations could take place".

2. President Tudjman suggested that the United Nations should take steps in order to "enable elections to be held in the UNPAs for the Chamber of Županije (Counties) of the Parliament of the Republic of Croatia and for local self-government bodies in municipalities and districts".

However, the Vance Plan does not envisage the engagement of UNPROFOR in the political life in the UNPAs, which is a prerogative of the local

population and its authorities and the Secretary-General specified that "In respect of arrangements for local government and the maintenance of law and order in the United Nations Protected Areas, the deployment of the force would not change the status quo".

3. In his letter, President Tudjman implies that the UNPROFOR mandate expires in spring 1993.

Nevertheless, the Vance Plan (S/23280, annex III, para. 5) states: "Subject to the Council's agreement the operation would remain in Yugoslavia until a negotiated settlement of the conflict was achieved". The Secretary-General was even more specific in his report of 4 February 1992 (S/23513), saying that: "the United Nations force would not be withdrawn before an overall political solution was found to the Yugoslav crisis".

4. In regard to the responsibility for the non-implementation of the peace plan, it should be noted that the Republic of Croatia has violated the cease-fire on many occasions, infiltrated terrorist groups in protected areas and amassed troops on the borders with UNPAs. As a consequence, there is a heavy toll among the Serbian population in UNPAs, despite the fact that UNPROFOR is entrusted with the task of protecting the local population and ensuring its safety during and after the demilitarization of the UNPAs.

These developments and permanent armed provocations on the part of the Republic of Croatia are beyond any doubt a serious impediment to the complete demilitarization of the protected areas and to the implementation of the peace plan.

5. As far as the return of refugees and displaced persons is concerned, the peace plan stipulates that the United Nations policy is to facilitate the return to their homes of all persons displaced by the recent hostilities who so desire, and that UNPROFOR would provide all appropriate support to this effort in the UNPAs. The Secretary-General, in his latest report (S/24848), emphasized that "conditions are not yet appropriate for such return to take place". It is the Croatian authorities that de facto are hampering this process by open threats and constant activities directed against the protected areas.

6. The Serbs in those parts of protected areas controlled by the Croatian army have been subject to obvious and systematic ethnic cleansing which can be qualified as a cleansing of huge proportions by the size of the territory and the number of people it covered. Only in the region of Western Slavonia, 180 villages were compltely cleansed of Serbs and as a result more than 200,000 Serbs from Croatia sought refuge in the Federal Republic of Yugoslavia.

7. Mr. Tudjman's accusations against the Yugoslav Army are completely unfounded and in contravention of the United Nations findings and conclusions reached at the recently held Ministerial meeting of the Steering Committee of the International Conference on Former Yugoslavia.

All these distortions, misinterpretations and allegations contained in President Tudjman's letter came as no surprise since his thinly disguised goal is to provoke an international intervention against the Serbian population in the UNPAs. Precisely for those reasons, he proposes to the United Nations to take "... efficient steps resembling those taken in the case of aggression against Kuwait and with regard to the present-day situation in Somalia" and to "authorize UNPROFOR to implement its task within the scope of the Vance Plan, if necessary by use of force as well".

The contents of the letter are not only in contravention of the peace plan, but also in defiance of the relevant Security Council resolutions. It should be recalled that President Tudjman sent a letter on 6 February 1992, in which he accepted fully and unconditionally the Secretary-General's concept and plan which defined the conditions and areas where the United Nations force is to be deployed. Security Council resolution 740 (1992) of 7 February 1992 noted that President Tudjman's unconditional acceptance removed an obstacle to the deployment of the peace-keeping force.

Positions expressed in the letter of President Tudjman represent his clear departure, as well as that of the Republic of Croatia, from the commitments and obligations arising from the Vance Plan. The proposals contained in the letter are fraught with grave dangers for the situation on the ground and could jeopardize further implementation of the peace plan.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.